United Nations Convention on the Law of the Sea CLCS/68

Commission on the Limits of the Continental Shelf

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Statement by the Chairperson of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The Commission on the Limits of the Continental Shelf held its twenty-sixth session at United Nations Headquarters from 2 August to 3 September 2010, pursuant to the decisions taken at its twenty-fourth[1] and twenty fifth[2] sessions and to General Assembly resolution 64/71.[3] The plenary part of the session was held from 16 to 23 August. The periods from 2 to 13 August and from 24 August to 3 September were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

2. The following members of the Commission attended the session: Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Francis L. Charles, Peter F. Croker, Indurlall Fagoonee, Abu Bakar Jaafar, Emmanuel Kalngui, Yuri Borisovitch Kazmin, Wenzheng Lu, Isaac Owusu Oduro, Yong Ahn Park, Sivaramakrishnan Rajan, Michael Anselme Marc Rosette, Philip Alexander Symonds and Kensaku Tamaki. Alexandre Tagore Medeiros de Albuquerque, Mihai Silviu German, George Jaoshvili and Fernando Manuel Maia Pimentel could not attend the session for reasons beyond their control.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.29/Rev.1);

(b) Statement by the Chairperson of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission at its twenty-fifth session (CLCS/66);

[1] CLCS/64, para. 138.
[2] CLCS/66, para. 97.
[3] Para. 55.

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(c) Submissions made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General of the United Nations to the Commission by coastal States;[4]

(d) Communications received from Bangladesh (29 October 2009), Barbados (13 July 2010), Myanmar (4 August 2009), Oman (19 May 2010), Palau (22 July 2010), the Philippines (4 August 2009) and Somalia (19 August 2009);

(e) Decision of the twentieth Meeting of States Parties to the Convention regarding the workload of the Commission on the Limits of the Continental Shelf (SPLOS/216);

(f) Report of the twentieth Meeting of States Parties to the Convention (SPLOS/218).

Item 1
Opening of the twenty-sixth session by the Chairperson of the Commission

4. The Director of the Division informed the Commission that its Chairperson, Mr. Albuquerque, had advised the Secretariat that he could not attend the session for reasons beyond his control. Recalling rule 14 of the Rules of Procedure of the Commission (CLCS/40/Rev.1), the Director invited the members of the Commission to designate one of the Vice-Chairpe. ons as acting Chairperson for the session. The Commission designated Mr. Awosika to act in that capacity.

5. The Director of the Division made a brief statement.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.29/Rev.1) and adopted it, with amendments (CLCS/67).[5]

Item 3
Organization of work

7. The Chairperson outlined the programme of work and the schedule for the deliberations, which the Commission approved with amendments. In view of the decision by four coastal States to defer the presentation of their respective submissions to a later session,[5] the Commission decided to close its plenary session on 23 August and devote the remainder of that week to subcommission work with a

[4] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

[5] In response to an invitation by the Chairperson of the Commission to present their submissions at the twenty-sixth session, France (in respect of La Réunion Island and Saint-Paul and Amsterdam Islands), Iceland, Pakistan and Sri Lanka had indicated their preference to make their presentations at a later session. The deferrals of the presentations of the submissions to a later time were communicated to the Chairperson of the Commission on the understanding that they would not affect the position of the submissions in the queue.

view to expediting the examination of submissions utilizing the GIS laboratories and other technical facilities of the Division.

Item 4
Submission made by Indonesia in respect of North West of Sumatra Island[6]

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-sixth session

8. The Chairperson of the Subcommission, Mr. Croker, informed the Commission that the Subcommission had met from 2 to 16 August 2010. The Subcommission had considered the new material that had been received from Indonesia during the intersessional period, in response to its request for additional information. The Subcommission had held two meetings with the delegation of Indonesia, during which it had presented its preliminary findings with respect to the new material. On 16 August 2010, the Subcommission had adopted its recommendations by consensus.

Consideration of recommendations

9. On 17 August 2010, the Subcommission submitted to the Commission the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Indonesia in respect of the area North West of Sumatra on 16 June 2008" and the Chairperson of the Subcommission introduced them by delivering a presentation to the plenary of the Commission, together with another member of the Subcommission, Mr. Tamaki.

10. On the same day, a meeting was held, at the request of Indonesia, between its delegation and the Commission, pursuant to paragraph 15 (1 bis) of annex III to the Rules of Procedure of the Commission. At that meeting, the presentation of Indonesia was made by Arif Havas Oegroseno, Director General for Law and International Treaties, Ministry of Foreign Affairs, and head of delegation. The delegation also included a number of advisers. In his presentation, Mr. Oegroseno referred to the agreement between the Subcommission and the delegation on the outer limits.

11. The Commission then continued its meeting in private. Following a detailed discussion of the recommendations prepared by the Subcommission and of the presentation made by the delegation, the Commission decided to defer the consideration of the recommendations prepared by the Subcommission to the twenty-seventh session in order to provide its members with further time to examine them.

[6] Submission made on 16 June 2008; see www.un.org/Depts/los/clcs_new/submissions_files/submission_idn.htm.

Item 5
Submission made by Japan

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-sixth session

12. The Chairperson of the Subcommission, Mr. Brekke, informed the Commission that during the intersessional period, the members of the Subcommission had continued the examination of the submission individually. He also informed the Commission that during the course of the twenty-sixth session, the Subcommission had met from 2 to 13 and from 24 to 27 August 2010. During that period, the Subcommission had continued its examination of the submission and had held two meetings with the delegation of Japan with a view to providing it with preliminary views on selected regions of the submission and to exchanging views. Mr. Brekke stated that the members of the Subcommission would continue working intersessionally and that the Subcommission would meet from 22 November to 3 December 2010 during a resumed twenty-sixth session, as well as from 11 to 21 April 2010 during the twenty-seventh session and from 1 to 12 August 2011 during the twenty-eighth session.

Item 6
Joint submission made by Mauritius and Seychelles in respect of the Mascarene Plateau[7]

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-sixth session

13. The Chairperson of the Subcommission, Mr. Tamaki, informed the Commission that the Subcommission had met from 9 to 13 August 2010. The Subcommission had considered data and information supplied during the intersessional period by Mauritius and Seychelles in response to questions raised by the Subcommission. The Subcommission had held three meetings with the delegations of Mauritius and Seychelles. In the course of the meetings, the Subcommission had updated the delegations on the work carried out to date and posed three additional questions. In response to those questions, further material and clarifications had been provided by the delegations. The Subcommission had continued its work from 24 August to 3 September 2010. During that period, the Subcommission had transmitted to the delegations its preliminary views and considerations regarding certain issues arising from the examination of the joint submission. The Subcommission had decided that its members would continue to work individually on the joint submission during the intersessional period and to meet from 6 to 10 December 2010 during a resumed twenty-sixth session. The Subcommission had also decided that it would meet from 14 to 25 March 2011 during the twenty-seventh session.

[7] Submission made on 1 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_musc.htm.

Item 7
Submission made by Suriname[8]

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-sixth session

14. The Chairperson of the Subcommission, Mr. Rajan, informed the Commission that the Subcommission had met from 24 August to 3 September 2010, commencing its consideration of the submission made by Suriname. The Subcommission had verified the format and completeness of the submission and had then proceeded to undertake a preliminary analysis of the submission, concluding that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

15. The Subcommission had prepared a series of questions addressed to the delegation of Suriname and had held two meetings with the delegation during which clarifications had been provided. The Subcommission had decided that its members would continue to work individually on the submission during the intersessional period and that the Subcommission would meet from 14 to 25 March 2011 during the twenty-seventh session.

Item 8
Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention

(a) Submission made by Yemen, in respect of south-east of Socotra Island[9]

16. The presentation of the submission to the Commission was made on 20 August 2010 by Captain Ali Mohammed Alsubhi, Deputy Minister of Transport, Ports and Maritime Affairs, Head of Yemen Continental Shelf Technical Committee and head of delegation, and Khaled Mohamed Omer Khanbari, Geologist, Sana'a University. The delegation of Yemen also included Abdullah Fadhel Al-Saadi, Deputy Permanent Representative of Yemen to the United Nations, and a number of advisers.

17. In addition to elaborating on substantive points of the submission, Mr. Alsubhi observed that no member of the Commission had assisted Yemen by providing scientific or technical advice.

18. Mr. Alsubhi stated that the area of continental shelf that was included in the submission was not the subject of any dispute. In respect of the communication from the Transitional Federal Government of Somalia, dated 19 August 2009, Mr. Alsubhi stated that consultations between Somalia and Yemen had been initiated to allow the Commission to proceed with the examination of their respective submissions, adding that the Commission would be informed of the developments with respect to those consultations.

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[8] Submission made on 5 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_sur.htm.

[9] Submission made on 20 March 2009 and amended on 15 July 2010; see www.un.org/Depts/los/clcs_new/submissions_files/submission_yem.htm.

19. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the communication referred to above and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the communication until such time as the submission would be next in line for consideration as queued in the order in which it was received. The Commission adopted this decision in order to take into account any further developments that might occur throughout the intervening period, during which the States concerned may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature as contained in annex I to its Rules of Procedure.

(b) Submission made by South Africa, in respect of the mainland of the territory of the Republic of South Africa[10]

20. The presentation of the submission to the Commission was made on 23 August 2010. Baso Sangqu, Permanent Representative of the Republic of South Africa to the United Nations and head of delegation, introduced the delegation of South Africa. Sandea de Wet, Chief State Law Adviser, delivered the presentation. The delegation of South Africa also included a number of advisers.

21. In addition to elaborating on substantive points of the submission, Ms. De Wet observed that a member of the Commission, Mr. Brekke, had assisted South Africa by providing scientific and technical advice.

22. Ms. De Wet stated that South Africa had unresolved maritime boundaries with Mozambique in the east and with Namibia in the west and that, for practical convenience, the median line had been used in the submission. She noted, however, that formal understandings had been reached with the two States so that the respective submissions would be considered by the Commission without prejudice to future delimitations. In this connection, Ms. De Wet recalled that no notes verbales had been addressed to the Secretary-General.

23. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the Rules of Procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the Rules of Procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

(c) Joint submission made by France and South Africa, in respect of the Crozet Archipelago and the Prince Edward Islands[11]

24. The presentation of the submission to the Commission was made on 19 August 2010 by Elie Jarmache, Chargé de mission, Secrétariat général de la mer, France, and Sandea de Wet, Chief State Law Adviser, South Africa, heads of their respective

[10] Submission made on 20 March 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_zaf_31_2009.htm.

[11] Submission made on 20 March 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm.

delegations. The delegations of France and South Africa also included a number of advisers.

25. In addition to elaborating on substantive points of the submission, Mr. Jarmache and Ms. De Wet observed that no member of the Commission had assisted France and South Africa by providing scientific or technical advice.

26. Mr. Jarmache stated that the area of the continental shelf included in the submission was not the subject of any dispute and that no notes verbales had been received from other States in this regard. He also specified that the submission was without prejudice to the future delimitation of maritime boundaries between the two coastal States. He further stated that the two coastal States reserved their right to submit additional information involving the depth constraint as soon as the analysis of recently acquired bathymetry data for the region was completed. In this connection, he specified that the inclusion of the depth constraint would affect the outer limit of the continental shelf currently included in the submission.

27. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the Rules of Procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the Rules of Procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

(d) Submission made by Palau[12]

28. The presentation of the submission to the Commission was made on 20 August 2010 by Hersey Kyota, Ambassador to the United States of America, and Alain Murphy, Adviser. The delegation of Palau also included Joan Yang, Deputy Permanent Representative of Palau to the United Nations.

29. In addition to elaborating on substantive points of the submission, Mr. Kyota observed that a member of the Commission, Mr. Symonds, had assisted Palau by providing scientific and technical advice.

30. Mr. Kyota referred to note verbale No. 000820, dated 4 August 2009, in which the Philippines had requested the Commission to refrain from considering the submission in view of the dispute brought about by an overlap in the jurisdictional continental shelves of the two coastal States. Mr. Kyota also referred to note verbale No. 030/PMSG/10 from Palau, dated 22 July 2010, in which it was noted that, although Palau and the Philippines shared an overlapping exclusive economic zone, this did not constitute a dispute. He added that Palau had requested the Philippines to engage in bilateral consultations aimed at achieving maritime boundary demarcation. Mr. Kyota informed the Commission that Palau had formally notified the Federated States of Micronesia, Japan and Indonesia in advance of its submission and that no notes verbales had been received from those States. He specified that, accordingly, the submission was made without prejudice to the question of the delimitation of the continental shelf between Palau and other States.

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[12] Submission made on 20 March 2009; see www.un.org/Depts/los/clcs_new/submission_files/submission_plw_41_2009.htm.

31. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the notes verbales referred to above and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission would be next in line for consideration as queued in the order in which it was received. The Commission adopted this decision in order to take into account any further developments that might occur throughout the intervening period, during which the States concerned may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature as contained in annex I to its Rules of Procedure.

(e) Submission made by India[13]

32. The presentation of the submission to the Commission was made on 16 August 2010 by Shailesh Nayak, Secretary, Ministry of Earth Sciences, head of delegation, Anil Kumar Chaubey, Scientist, National Institute of Oceanography, and Narinder Singh, Joint Secretary and Legal Adviser, Ministry of External Affairs. The delegation of India also included Manjeev Singh Puri, Deputy Permanent Representative of India to the United Nations, and a number of advisers.

33. In addition to elaborating on substantive points of the submission, Mr. Nayak stated that the submission of India was a partial submission, and that India would shortly be making another submission regarding the area. He also observed that a member of the Commission, Mr. Rajan, had assisted India by providing scientific and technical advice.

34. Mr. Singh stated that in the area of continental shelf included in the submission there were a number of outstanding delimitations with Pakistan and Oman, as well as with Bangladesh and Myanmar, specifying, however, that the submission had been made without prejudice to the question of delimitation of the continental shelf between India and those States. In this connection, it was recalled that, in accordance with India's domestic legislation (Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act of 1976, section 9), the maritime boundaries between India and any State whose coast was opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves, exclusive economic zones and other maritime zones shall be determined by agreement between India and such State, and pending the conclusion of agreements the maritime boundaries shall not extend beyond the equidistance line. With regard to the notes verbales received from Myanmar on 4 August 2009, from Bangladesh on 29 October 2009 and from Oman on 19 May 2010, he reiterated that the submission made by India was without prejudice to matters relating to delimitation of maritime boundaries with the neighbouring States, as stated in the executive summary of its submission.

35. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the part of the submission that relates to the western offshore region of India in the Arabian Sea, the Commission took note of the note verbale from Oman dated 19 May 2009 and decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the Rules of Procedure, this

[13] Submission made on 20 March 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ind_48_2009.htm.

part of the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the Rules of Procedure, at a future session. The Commission decided to revert to the consideration of this part of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

36. Addressing the modalities for the consideration of the part of the submission that relates to the eastern offshore region of India, comprising the eastern offshore region of mainland India in the Bay of Bengal and the western offshore region of the Andaman Islands, the Commission took note of the communications addressed to the Secretary-General of the United Nations received in relation to this part of the submission, namely, the note verbale from Myanmar dated 4 August 2009 and the note verbale from Bangladesh dated 29 October 2009. The note verbale from Bangladesh invoked, inter alia, paragraph 5 (a) of annex I to the Rules of Procedure with reference to disputes in this part of the submission. The Commission also took note of the views relating to these notes verbales expressed in the presentation by India. Taking into account these notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of this part of the submission and the notes verbales until such time as the submission would be next in line for consideration as queued in the order in which it was received. The Commission adopted this decision in order to take into account any further developments that might occur throughout the intervening period during which the States concerned may wish to take advantage of the avenues available to them including provisional arrangements of a practical nature as contained in annex I to its Rules of Procedure.

Item 9
Report of the Chairperson of the Commission on the twentieth Meeting of States Parties to the United Nations Convention on the Law of the Sea

37. In the absence of the Chairperson, Mr. Albuquerque, at the session, the Director of the Division provided a brief overview of the developments at the twentieth Meeting of States Parties and the work carried out by the Informal Working Group, facilitated by the Bureau of the Meeting of States Parties. He then invited the Commission to give full consideration to the measures suggested in the decision of the twentieth Meeting of States Parties regarding the workload of the Commission (SPLOS/216). The acting Chairperson supplemented the information provided by the Director.

38. The Commission took note of the decision of the twentieth Meeting of States Parties and reiterated that article 76 and annex II to the Convention established the Commission as an independent body. The Commission recalled that it had already had the opportunity to convey its views on several of the measures proposed in document SPLOS/216 through the presentations made to the Bureau of the nineteenth Meeting of States Parties, on 1 September 2009,[14] and to the Informal Working Group, on 14 April 2010.[15] It was further recalled that, following the latter,

[14] Available online at www.un.org/depts/los/clcs_new/workload/presentation_to_bureau_msp_2009.pdf.

[15] See www.un.org/depts/los/clcs_new/clcs_workload.htm.

on 25 May 2010, the Chairperson of the Commission had provided written responses to questions posed by some States through the Informal Working Group.[16] In those responses, the Chairperson had already addressed several of the measures that the twentieth Meeting of States Parties had later included in document SPLOS/216. In addition, the Chairman of the Commission had addressed several of the same measures in both his letter to the President of the twentieth Meeting (SPLOS/209) and his presentation to the twentieth Meeting of States Parties.[17]

39. With regard to the measures proposed under items (a) to (c) of paragraph 1 of the decision contained in document SPLOS/216, the Commission emphasized that it had already taken the following actions in the short, medium and long term:

- In order to ensure expediency and efficiency in the light of the large number of submissions, the Commission had decided to establish subcommissions additional to the three subcommissions actively examining submissions, as an exception to the general provision contained in rule 51 (4 bis) of the Rules of Procedure. This had happened on four consecutive occasions since 2008, namely, with the establishment of the subcommissions for consideration of the submissions made by Mexico in respect of the western polygon in the Gulf of Mexico, Indonesia in respect of the area North West of Sumatra, Japan, and France in respect of the French Antilles and the Kerguelen Islands. The membership of every subcommission was decided taking into account the need to ensure, to the extent possible, balanced scientific and geographical representation.
- The Commission had extended to its maximum current capacity the number of work weeks conducted annually by members of the subcommissions both at United Nations Headquarters and in their respective home countries.

40. In this connection, the Commission noted that without financial support, the most important suggestions made by the Informal Working Group and the Meeting of States Parties could not be implemented.

41. With regard to the measures proposed under items (d) to (f) of paragraph 1 of the decision SPLOS contained in document 216, the Commission highlighted that:

- It had already adopted and implemented flexible arrangements of plenary and subcommission meetings.
- It had often tasked members of the Commission with more than one submission subject to simultaneous consideration, as far as practicable, and whenever capacity allowed.
- Remote work by the members of the Commission had consistently taken place since 1997 for the preparation of several official documents. Similarly, members of subcommissions remotely consulted throughout intersessional periods with regard to the submissions under their consideration. Practical and confidentiality issues limited the potential application of teleconferencing approaches.

42. The Commission highlighted the fact that it had advised the Meeting of States Parties on the potential delays that could affect the consideration of submissions as

[16] Ibid.
[17] Ibid.

early as 2005, at the fifteenth Meeting of States Parties, and that it had consistently given presentations to the Meeting of States Parties on an annual basis from 2005 to 2010 with a view to addressing its workload.

43. The Commission underscored that, in the light of the experience accumulated over the years in considering submissions, working on a full-time basis at United Nations Headquarters was the most efficient and effective way to address its growing workload.

Item 10
Report of the Chairperson of the Committee on Confidentiality

44. The Chairperson, Mr. Croker, reported that the Committee had held no meetings during the twenty-sixth session, since no circumstances had arisen requiring a meeting.

Item 11
Report of the Chairperson of the Editorial Committee

45. The Chairperson, Mr. Jaafar, reported that the Committee had held no meetings during the twenty-sixth session. However, he reiterated that there ought to be an ongoing exercise to standardize the terms used in the documents and work of the Commission.

Item 12
Report of the Chairperson of the Scientific and Technical Advice Committee

46. The Chairperson, Mr. Symonds, reported that the Commission had not received any formal requests for scientific and technical advice and that the Committee had therefore held no meetings during the twenty-sixth session. He reiterated the willingness to assist States and encouraged them to make an official request for such assistance, if needed, through the Secretariat.

47. He also encouraged the members of the Commission to provide information regarding coastal States to which they had provided advice, as such information would assist the Commission, inter alia, in the establishment of subcommissions as provided for in chapter X of the Rules of Procedure. In this connection, it was decided that such information would be provided by 31 December 2010.

Item 13
Report of the Chairperson of the Training Committee and other training issues

48. The Chairperson of the Committee, Mr. Carrera, reported that the Committee had not held any meetings during the twenty-sixth session. Mr. Carrera recalled that the eleventh meeting of the United Nations Open-ended Informal Consultative Process, held from 21 to 25 June 2010, had placed emphasis on the need for further

capacity-building activities. In this connection, he shared with the Commission a presentation on capacity-building related to the implementation of article 76 of the Convention that had been delivered on his behalf to the Consultative Process.

49. Responding to a question, the Director indicated that, to date, the Division had not received any requests from States to conduct training courses and the Division was not planning any training activities related to the delineation of the outer limits of the extended continental shelf.

Establishment of a new Subcommission

Submission by Myanmar

50. After the completion of the work by the Subcommission established for the examination of the submission made by Indonesia in respect of the area of North West of Sumatra, the Commission decided that, in order to ensure expediency and efficiency in the light of a large number of submissions, a fourth subcommission might be established as an exception to the general rule contained in rule 51, paragraph 4 bis, of the Rules of Procedure.

51. The Commission noted that the submission made by Myanmar was at the top of the queue. Recalling its decision with regard to the submission,[18] and noting that there had been no developments to indicate that consent existed on the part of all States concerned allowing the consideration of the submission notwithstanding the existence of a dispute in the region, the Commission decided to further defer the establishment of a subcommission for the consideration of the submission made by Myanmar. It was also decided that, since the submission remained next in line for consideration as queued in the order in which it was received, the Commission would revisit the situation at the time of establishment of its next subcommission.

Submission by France in respect of the French Antilles and the Kerguelen Islands

52. The Commission then proceeded with establishing a subcommission to examine the submission next in the queue, namely, the submission made by France in respect of the French Antilles and the Kerguelen Islands.[19] The Subcommission was established in accordance with the established procedure (CLCS/42, paras. 19 and 20). The Subcommission is composed of Messrs. Brekke, Charles, Croker, Fagoonee, Jaafar, Lu and Oduro. The Commission requested the Subcommission to meet with a view to organizing its work and electing its officers. The Subcommission elected Mr. Jaafar as its Chairperson and Messrs. Croker and Oduro as Vice-Chairpersons. On 27 August 2010, the Subcommission met with a view to organizing its future work.[20]

[18] CLCS/64, para. 40.

[19] On the decision to examine this submission by way of a subcommission, see CLCS/66, para. 36.

[20] See paras. 54 and 55.

Item 14
Other matters

Submissions by Mozambique and Maldives and preliminary information from Nicaragua

53. The Commission took note of the two new submissions received, from Mozambique on 7 July 2010 and from Maldives on 26 July 2010, which had brought the total number of submissions received to date to 53. The Commission also took note of one set of preliminary information that on 7 April 2010 Nicaragua had submitted to the Secretary-General, in accordance with paragraph 1 (a) of the decision of the Meeting of States Parties contained in document SPLOS/183.[21]

Future sessions of the Commission

54. The Commission decided that it would resume its twenty-sixth session to allow the Subcommission established to examine the submission made by France in respect of the French Antilles and the Kerguelen Islands to meet from 15 to 19 November 2010, the Subcommission established to examine the submission of Japan to meet from 22 November to 3 December 2010 and the Subcommission established to examine the joint submission made by Mauritius and Seychelles to meet from 6 to 10 December 2010.

55. The Commission decided that the twenty-seventh session would be held from 7 March to 21 April 2011. The dates of the plenary part of that session, subject to their approval by the General Assembly, would be 28 March to 8 April 2011. The Commission also decided that the Subcommission established to examine the submission made by Japan would meet from 11 to 21 April; the Subcommission established to examine the joint submission made by Mauritius and Seychelles would meet from 14 to 25 March; the Subcommission established to examine the submission made by Suriname would meet from 14 to 25 March; and the Subcommission established to examine the submission made by France in respect of the French Antilles and the Kerguelen Islands would meet from 7 to 11 March 2011.

56. The Commission decided that the twenty-eighth session would be held from 1 August to 2 September 2011. The dates of the plenary part of that session, subject to their approval by the General Assembly, would be 15 to 26 August 2011. The Commission also decided that the Subcommission established to examine the submission made by Japan would meet from 1 to 12 August and that the Subcommission established to examine the submission made by France in respect of the French Antilles and the Kerguelen Islands would meet from 29 August to 2 September. Additional decisions on the dates for meetings to be held by subcommissions that might be established at the twenty-seventh or twenty-eight sessions would be made during those sessions.

Revised submissions

57. The Commission discussed the order in which potential revised submissions would be considered, and decided that should any such submission be made to the

[21] Details on all submissions received by the Commission and on preliminary information are available on the website of the Commission, at, respectively, www.un.org/depts/los/clcs_new/commission_submissions.htm and www.un.org/Depts/los/clcs_new/commission_preliminary.htm.

Commission in future, it would be considered on a priority basis notwithstanding the queue.

Publication of recommendations

58. The Commission recalled that, in accordance with rule 54, paragraph 3, of its Rules of Procedure, upon giving due publicity to the charts and relevant information, including geodetic data, permanently describing the outer limits of the continental shelf deposited by the coastal State in accordance with article 76, paragraph 9, of the Convention, the Secretary-General shall also give due publicity to the recommendations of the Commission which in the view of the Commission are related to those limits. The Commission invited the Secretary-General to give due publicity to the recommendations adopted in regard to the submission made by Ireland in respect of the Porcupine Abyssal Plain and the submission made by Mexico in respect of the western polygon in the Gulf of Mexico. The Commission also requested the Secretary-General to inform the Commission each time a deposit was made with regard to the outer limits of the continental shelf established on the basis of its recommendation, with a view to giving effect to rule 54, paragraph 3, of the Rules of Procedure. In addition, the Commission took note that the Secretary-General, prior to giving due publicity to the recommendations, would ascertain that the recommendations do not contain any data considered by the submitting State as confidential or of a proprietary data.

Summary of recommendations

59. Following the decision taken by the Commission at its twenty-fifth session,[22] summaries of the recommendations in regard to the submissions made by the Russian Federation and by Brazil were prepared by the Chairperson of the Subcommissions established for the consideration of those two submissions. The summaries were circulated to allow the members of the Commission to review them intersessionally. The Commission decided to include the consideration of this matter in the agenda of the twenty-seventh session.

Attendance of members of the Commission

60. Bearing in mind its increasing workload, the Commission underscored the importance of the attendance of each member and recalled that, in accordance with article 2, paragraph 5, of annex II to the Convention, the State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties. The Commission further recalled that the General Assembly, in paragraph 49 of its resolution 64/71, reiterated this provision and called upon the nominating States "to do their utmost to ensure the full participation of those experts in the work of the Commission". In this connection, the Commission emphasized that full attendance by the members was necessary to ensure that all existing Subcommissions have the required quorum for their deliberations as well as the technical expertise required for the examination of submissions.

61. The Commission also recalled that, in accordance with rule 7, paragraph 4, of the Rules of Procedure, the absence of a member of the Commission during two

[22] CLCS/66, para. 104.

consecutive sessions of the Commission without justification shall be brought to the attention of the Meeting of States Parties. With a view to ensuring the efficient planning and organization of the work of the Commission, members were urged to confirm their attendance well in advance of each session, in response to letters of invitation to sessions of the Commission and meetings of the subcommissions.

Trust funds

62. The Director of the Division briefed the Commission on the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. He informed the Commission that in 2010 Argentina, China, Ireland, Mexico, New Zealand, Norway and the Republic of Korea had made contributions to the trust fund, and Japan had pledged to contribute to it. According to the provisional statement of accounts, as at the end of June 2010, the balance of the trust fund was approximately $540,000. The contribution pledged by Japan was received in August 2010.

63. The Director provided an overview of the status of the trust fund for the purpose of facilitating the preparation of submissions indicating that, during the first half of 2010, a contribution was received from Ireland. According to the provisional statement of accounts, as at the end of June 2010, the balance of the trust fund was approximately $602,000.

Presentation of submissions to the plenary of the Commission

64. The Commission, while recognizing that it was the prerogative of States to choose when to present their submissions to the plenary in accordance with paragraph 2 (a) of annex III to the Rules of Procedure, encouraged States that have not yet presented them to do so as early as practicable.

Response to the letter dated 13 July 2010 from Barbados

65. The Government of Barbados addressed a letter to the Chairperson of the Commission concerning the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Barbados on 8 May 2008". Barbados attached to the letter a document containing certain information on the precise location of a fixed point so that it could establish the outer limits of its continental shelf on the basis the recommendations.

66. After deliberations, the Commission decided to inform Barbados that it was not in a position to reconsider the submission and the recommendations adopted on 15 April 2010 but that it remained open to providing clarification on the substance of the recommendations, upon request.

Availability of correspondence to all members of the Commission

67. With a view to increasing efficiency in the work of the Commission, members of the Commission reiterated that all official correspondence received by the Chairperson and other officers of the Commission should be made available to all members of the Commission, through the established secure means of communication, as soon as practicable. Similarly, all official correspondence received by the Chairpersons of Subcommissions shall be made available to all

members of the respective Subcommissions, through the established secure means of communication, as soon as practicable.

Acknowledgement to the Secretariat

68. The Commission noted with appreciation the high standard of secretariat services rendered to it by the Division. It expressed its appreciation to the staff of the Division and other members of the Secretariat for the assistance provided to the Commission during the twenty-sixth session, and noted the high professional standards of interpretation in the official languages of the United Nations and the assistance provided by the conference room officers.

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Statement by the Chairperson of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

Corrigendum

Paragraph 12, lines 11 and 12

For 11 to 21 April 2010 *read* 11 to 21 April 2011

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